



GITAM

(DEEMED TO BE UNIVERSITY)

VISAKHAPATNAM • HYDERABAD • BENGALURU



Dr. M.V.V.S. MURTHI

3rd NATIONAL VIRTUAL MOOT COURT COMPETITION

12th to 14th August, 2022

GITAM School of Law



KNOWLEDGE PARTNERS





GITAM SCHOOL OF LAW

Dr. M.V.V.S. MURTHI

3rd NATIONAL VIRTUAL MOOT COURT COMPETITION

12th to 14th August, 2022

VENUE:

GITAM SCHOOL OF LAW

GITAM (Deemed to be University)

Gandhi Nagar Campus, Rushikonda

Visakhapatnam-530045, A.P., INDIA.



KNOWLEDGE PARTNERS



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SHRI M. SRI BHARAT
President
GITAM

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MONUMENTAL PANELISTS for 3rd NATIONAL VIRTUAL MOOT COURT COMPETITION



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About GITAM: GITAM (Deemed to be University) Gandhi Institute of Technology and Management, popularly known as GITAM, was founded in 1980 by an inspired group of eminent intellectuals and industrialists of Andhra Pradesh led by Dr. MVVS Murthy, Former Member of Parliament and popular philanthropist. The vision of Mahatma, the Father of the Nation was to see India as a socially and economically resurgent country and he looked upon education as an important means to achieve this goal. Gandhi's view of education was not narrow or sectarian. He envisaged universities as institutions of higher learning that transcend all linguistic, racial, and other barriers. GITAM is committed to imbibe his values and abide by Gandhian philosophy.

School of Law School of Law, a constituent institution of GITAM (Deemed to be University) was established at Visakhapatnam Campus in 2012 with the objective of providing quality and research-oriented teaching in the area of legal Jurisprudence relevant to the contemporary social norms.



About GMAC-2022: GITAM School of Law, Visakhapatnam is organizing the Dr. M.V.V.S. Murthi National Virtual Moot Competition, 2022. The event is scheduled to be held from 12th to 14th August, 2022 at GITAM, Visakhapatnam.

GITAM Moot & Advocacy Committee (GMAC) has been set up in 2019. The objective of this Committee is to provide the students an opportunity to develop their interpersonal & Advocacy skills. Participation in Moot Court Competition enhances the art of researching and the oratory skills of a student while preparing the student to face the reality of a courtroom. It also aids in confidence building. Mooting gives a practical courtroom experience to a law student.

The Convenor of the Moot Court Society is Prof (Dr.) R. Anita Rao, Director, School of Law. The Committee comprises of faculty convenors, Mr. Vardhman S. Panwar, Mr. Sureshababu Narayana, Mr. Venkata Kiran Kumar, and the Student Coordinators, **Nishita Kirty, Abhay Nandan, Madhuri Arjilli.**

The Committee successfully conducted the GITAM Regional Moot Court Competition in July 2019, National Moot Court competition on Space Law 2020, National Virtual Moot Court competition on IPR 2021, which saw participation from colleges across the country.

Eligibility: The competition is open to students currently enrolled in LLB and LLM Courses in India. No more than 1 team may represent an institution.

Team size and other information: Each team shall comprise of a minimum of two students and maximum of three students, with two speakers and one researcher (as needed).

Location: GITAM School of Law, GITAM (Deemed to be University), Visakhapatnam, Andhra Pradesh.

MOOT PROBLEM:

Kalosia is a rising economy in the continent of Nielfgaurd. The country had been a constant victim of brain drain in the past but recently it has become the hub of IT companies from around the world. The reason behind this transformation was that it had developed its economic policies in such a manner as to create a more business-friendly environment and laws. It has become the cradle for innovation with the start-ups that started coming into the nation state. The nation state of Kalosia has become one of the probable next in line nation state for economic leadership of the world.

The state of Meglonia is one of the 29 states in the nation of Kalosia. The state of Meglonia was also one of the most prominent state in terms of receiving investment from IT sector across the world. Many tech giants had established their regional subsidiary head offices in the state of Meglonia. It was prioritized by many domestic start-ups also as a preferred location to establish head offices. The reason behind the state of Meglonia becoming this mega IT hub was the phenomenal growth of tech companies like Ediostech ltd.

Ediostech ltd. was a publicly traded company in the nation state of Kalosia. It was established in early 1983 in the state of Meglonia. It was one of the pioneer companies that started the tech revolution in the country. By the year 2021, it has become one of the biggest companies of the country, it was contributing significantly to the GDP of the country. Ediostech had several subsidiaries across the world and one of the subsidiary was Ediostech A.S.U. LLC. which was in the nation state of A.S.U. (Adionia States United) was the biggest economy in the world and was a federal nation by its constitution. Therefore, every state within the federation has the power to make laws on any subject matter subject to the national policy of the nation state. Ediostech A.S.U. was incorporated in the state of Montors as the laws of the state were more business friendly and has its head offices in the state Valifont which was the state with the highest no. of tech companies head offices in the country as it had a large amount of talent pool for recruitment for IT companies.

Mr. Ajax was an employee of Ediotestech ltd. and has been working with the company for the last 4 years in his free time he was developing an automated malware cataloguing software that would provide cataloguing of malwares for faster solutions for malware threat analysis and protection. As it was the age of technology, malwares have become a serious threat for the tech industry as a whole and this automated programme could change things for the better and could slingshot the research's pace and development of countermeasures. Mr. Ajax was good at his work and was remarked as an excellent coder because of this he was sent to A.S.U. to work as a consultant on a project in Ediotestech A.S.U. LLC. for 6 months, where while working on the project he met some people who became his good friends and he used to talk about his project with them and get their input. On 19 December 2021, during one such discussion few of them showed interest in wanting to be the beta testers for the software whenever it got into the beta stage.

After a few days when work in the office was less Mr. Ajax wanted to understand how far he has come in the development of what bugs exist in the software, he decided to send beta test invite codes to his friends from his work computer as his laptop was not able to boot for some reason which had to look into later. He uploaded the setup file on the system and started installing it just to check whether it is booting or not. He was shown an authorization error as all software before installation needs administrator permission on all office computers. Authorization was given after system administration tested that the software was safe for use on office systems and in no way impact the office system network negatively. The authorization process was simple the employee had to upload the setup file to the administrator cloud drive and within one-hour authorization or restriction notice will be sent to you on your employee mail. An authorization mail was sent to Mr. Ajax after testing, after which he started installing the software on the

system and started running it to test if it was running. The software was running perfectly. Therefore, set up with user codes were sent to all his friends of his in the office.

Mr. Ajax got raving reviews for his software and bugs reports also pointed toward no substantial issue which was another plus point. After a stream of positive reviews from his friends, Mr. Ajax decided to get the copyright of the code and patent of the software after returning to Kalosia as his consultation period was about to be over. On the other side, the system administrator was amazed by the sophistication of AI of this software and informed about this software thinking it could be worth a lot in proper hands, to the higher management who after their due diligence thought it was better to involve the CEO. So, they inturn informed to the CEO of the company who decided to take the patent on the software as it was designed by the company employee during company hours, so the company took the patent without

informing Mr. Ajax. And transferred those patent rights to its holding company Ediositech ltd. which was part of their consultation agreement. After returning to Kalosia Mr. Ajax filed for a patent in Kalosian patent office to find the patent was already owned by Ediositech ltd. which was transferred to it by Ediositech A.S.U. LLC. under their consultation contract. Mr. Ajax filed a writ of mandamus in high court of Meglonia against granting of license for the patent to Ediositech ltd.

Please note that:

Kalosia is Pari materia to the Republic of India

ASU is Pari materia to United states of America

State of Montors is Pari materia to state of Delaware and Valifont to state of California

Annexure I

This agreement is drafted to provide consultation services for software projects between two parties :-

- ***Ediostech ltd. (Hereafter party 1) a publicly traded company and a pioneer tech company incorporated in Kalosia.***
- ***Ediostech A.S.U. LLC. (Hereafter party 2) a subsidiary of Ediostech ltd. incorporated in A.S.U., Montors.***

A. Terms

1. *The consultant will always be an employee of party 1.*
2. *The consultant will provide by party 1 to party 2 for a period of maximum of 6 months on prior request.*
3. *Request needs to be submitted 3 months prior to the project initiation.*
4. *Complete expense including lodging and salary of the consultant will born by party 2.*

5. *This consultant has a contract for service with party 2.*
6. *Any IP created by during such consultation by the consultant will be the property of party 1.*

B. Dispute resolution

1. *Any dispute regarding the agreement will be referred to arbitration with seat in Kalosia to AAA(Adionian Arbitration Association).*

C. Term

1. *Term of this agreement is for 3 years subject to mutual agreement by the parties for extension.*

Prizes:

- The **Winning Team** shall be awarded Cash Prize of Rs 50,000/- and e-Certificate of Appreciation of Merit.
- The **Runner-Up Team** shall be awarded Cash prize of Rs 25,000/- and e-Certificate of Appreciation of Merit.
- The **Best Memorial** shall be awarded Cash prize of Rs 10,000/- and e-Certificate of Appreciation of Merit.
- The **Best Speaker** shall get Cash Prize of Rs 10,000/- and e-Certificate of Appreciation of Merit. Best Speaker shall be evaluated on the basis of performance in preliminary rounds.
- The **Best Researcher** shall get Cash Prize of Rs 10,000/- and e-Certificate of Appreciation of Merit.
- All the members of the teams that entered into Quarter Final and Semi Final shall be awarded e-Certificates of Appreciation of Merit.
- All the members of the other participating teams shall be awarded e-Certificates of Participation.

Registration:

Online Registration Form Link:

<https://forms.gle/YXEH1nydpfsrpar86>

Interested teams are required to register by sending a scanned copy of the duly filled Registration Form to mcc.schooloflaw@gitam.edu with Subject "Registration for Moot 2022".

The last date for registration is **18th July 2022**

Fee Details: All teams shall be required to make a payment of INR 3000/- via online transfer (NEFT) on/before **18th July 2022**.

Details of the same must be sent to mcc.schooloflaw@gitam.edu before 11:59 P.M. on **18th July 2022**, along with the duly filled registration form.

The wire transfer/NEFT must be made to:

Name of Account:

M/s. SEMINARS AND WORKSHOPS SCHOOL OF LAW

Union Bank Account No: 761302010000486

IFSC Code: UBIN0576131

Branch: GIMSR Branch, Rushikonda, Visakhapatnam-530045

UPI ID: 9849162447@patym

Mode of payment:

Online Bank transfer in favor of

M/s. SEMINARS AND WORKSHOPS SCHOOL OF LAW,

to account details stated above **on or before 18th July, 2022**. The registration fee includes certificate of participation.

Important Dates:

Deadline for registration	18 th July 2022
Deadline for payment of registration fee	20 th July 2022
Last date to seek clarifications on Problems	27 th July 2022
Deadline for submission of soft copy of Memorials	31 st July 2022
Oral rounds	12 th to 14 th August 2022

Schedule of Events

Registration and Inauguration, Preliminary Round	12 th August 2022
Quarter-Finals and Semi-Finals	13 th August 2022
Finals and Valedictory	14 th August 2022

Rules of the competition:

- 1. Title and commencement:** The Dr. M.V.V.S. Murthi National Virtual Moot Court Competition, 2022 (hereinafter referred as GNMNMC) shall be held from 12th to 14th August, 2022 at School of Law, GITAM (Deemed to be University), Visakhapatnam, Andhra Pradesh, India.
- 2. Language:** The language of the Competition shall be English.
- 3. Eligibility Criteria:**
 1. Law schools/Colleges/Institutes/Universities, recognized by the Bar Council of India are eligible to participate. The participants should currently be pursuing their degree in law i.e., Three Year/Five Year Law/LLM Courses. Students who have completed their law courses are not eligible to participate in the competition.
 2. Only one team can register from a particular law school/College/ Institution/ University to participate.
 3. There shall be two speakers and one researcher designated for each team. In case of illness of the designated speaker, the researcher may be allowed to argue for the team with prior permission of the Committee.

4. Registration:

1. The Participating team shall duly fill the Registration Form provided along with the official rules and send it along with a Registration fee of Rs. 3,000/- (Rupees Three Thousand only). The Registration fee shall be sent through Online Payment. The last date for receiving the registration form with fee shall be **20th July, 2022**.
2. The participants are required to submit one passport size photograph of each team member along with the registration form through .
3. Each team shall be allotted a Team Code on the receipt of registration fee and form. The Draw of Lots for the Preliminary rounds shall be drawn by the GMNMC Committee on **11th August, 2022** and the opponent memorial shall be mailed to the respective teams by **11th August 2022**.
4. The name of the Institution shall not be disclosed at the time of submission of memorials. Any such disclosure shall lead to disqualification.

5. Submissions of Memorials(Soft Copy):

1. All participating teams shall submit 1 set of memorials in soft copy on or before the deadline of submission of memorials i.e. **31st July, 2022**.
2. The cover page of memorials for the Prosecution shall be in **Red** and the Defence shall be in **Blue**.
3. The teams shall not indicate their names or the names of their college or the university on memorials. For all communication purposes, **only the team code** shall be specified.
4. The team code allotted to all teams shall be indicated at top right corner of the memorial, which will be communicated by way of Email.
5. All participating teams must submit the soft copy of their memorials in PDF format, for both sides by **11:59 P.M. IST** on or before **31st July, 2022**.
6. The memorials shall conform to the set Standards:
The font of the body of the Memorial must be Times New Roman, Colour black, size 12, with 1.5 line spacing and the font-size of footnotes, if any, must not be less than size 10.
Bluebook mode of citation (21st Edition) must be followed.

7. Each page must have a margin of at least an inch on all sides.
8. The Memorial should not exceed 25 typed pages (not including the Cover Page) and shall consist of the following parts:

(a) Cover Page (b) Table of Contents (c) List of Abbreviations (d) Index of Authorities (e) Statement of Jurisdiction (f) Statement of Facts (g) Issues Raised (h) Summary of arguments (i) Arguments Advanced (not Exceeding 15 pages) (j) Prayer.

6. Deduction of marks:

S.no.	Scheme of Deduction	Marks deducted
1.	Teams submitting soft copy after 11:59 P.M.IST, 31st July, 2022	1 mark for each day of Delay
2.	Non-compliance with the rules relating to the font of the body of the memorial and line spacing.	0.5 marks for each page
3.	The Memorial Exceeding 25 pages	1 Mark for each page
4.	Non-compliance with the Bluebook method of citation (21st edition).	0.25 Marks for every Page containing such Violation.

7. Evaluation Criteria for Memorial Submission:

Every memorial will be marked on scale of 100 and will be evaluated according to the following criteria:

S.no.	Marking Criteria	Maximum marks allocated
1	Knowledge of Law & Facts	15
2	Grammar and Style of Presentation	10
3	Application of Law to Facts	20
4	Analysis and Organization	10
5	Use of Authority	15
6	Proper Citation & Correct Format	10
7	Originality in Presentation	10
8	General Impression and Clarity of Thought	10

8. Structure of Rounds: The oral rounds shall comprise of:

8.1 Preliminary Rounds:

- There shall be two preliminary rounds on **12th August, 2022** and every team shall be given the opportunity to argue on each side.
- The Draw of Lots for the Preliminary rounds shall be drawn by the Committee on **11th August , 2022** and the opponent memorial shall be mailed to the respective teams by **11th August , 2022**.
- Each team shall get a total of **30 minutes** to present their case and shall include the time for 'rebuttal' and 'Surrebuttal'. Any extension of time beyond the specified period shall be subject to the discretion of the judges.
- The division of time between the speakers is the discretion of the team members, subject to a maximum of **20 minutes** for one speaker.
- Before the commencement of each round, each team shall indicate to the 'Court officer' as to how they wish to allocate their time.
- At the end of the preliminary rounds, the top **8 teams** will qualify for the Quarter Finals. The top 8 teams will be selected on the basis of scores.

- For the purpose of calculation, the marks awarded for the memorial submissions shall be added to the oral round score and a team will be evaluated for 300 Marks in the round.
- If the situation of tie still persists, then only the total oral marks of the teams from both sessions will be considered. The team with the higher score in the oral rounds will advance to the Quarter Finals.
- If the situation of the tie still persists, then it would be resolved by flip of a coin.

8.2. Quarter- finals:

- The Quarter Finals will be held after the completion of the preliminary rounds i.e **13th August, 2022**. The Quarter Finals shall be knock-out round. A team will be credited with a win in the Quarter Finals if their total marks are higher than its opponent's team.
- The side to be presented by the team shall be determined by way of draw of lots with the teams picking the lots after the completion of the preliminary rounds.
- Each team shall get a total time of **30 minutes** to present their case and shall include the time for 'rebuttal' and 'Surrebuttal'.

- The division of time between the speakers is the discretion of the team members, subject to a maximum of **20 minutes** for one speaker.
- Before the commencement of the round, each team shall indicate to the 'court officer' as to how they wish to allocate their time.

8.3 Semi- finals:

- The Semi-Finals will be held on **13th August, 2022**. The Semi-Finals shall be **knock-out round**. A team will be credited with a win in the Semi-Finals if their total marks are higher than its opponent's team.
- The side to be presented by the team shall be determined by way of draw of lots with the teams picking the lots after the completion of quarter-finals Rounds.
- Each team shall get a total of **40 minutes** to present their case. This time will include the time for 'rebuttal' and 'Surrebuttal'.
- The division of time between the speakers is the discretion of the team members, subject to a maximum of **25 minutes** for one speaker.
- Before the commencement of the round, each team shall indicate to the 'court officer' as to how they wish to allocate their time.

8.4. Finals:

- The Final will be held on **14th August, 2022**. A team will be credited with a win in the Final if their total marks are higher than its opponent team.
- Each team shall get a total of **45 minutes** to present their case. This time will include the time for 'rebuttal' and 'Surrebuttal'.
- The division of time between the speakers is the discretion of the team members, subject to a maximum of **30 minutes** for one speaker.
- Before the commencement of the round, each team shall indicate to the 'court officer' as to how they wish to allocate their time.

9. Evaluation Criteria for Oral Pleading Session:

The oral pleadings would be marked on scale of 100 per judge and would be evaluated on the following grounds:

S.no.	Marking Criteria	Maximum marks allocated
1	Knowledge of Law & Facts	20
2	Interpretation of Law & its Application to the Facts	25
3	Use of Authority	15
4	Style, Poise and Court Mannerism	10
5	Organization of Arguments	15
6	Time Management	15

10. Dress code:

- The official Dress Code for the Competition is as follows:
 - ◆ **Gentlemen:** Black Trousers, White Shirt, Black Blazer, Black tie, and Black formal shoes;
 - ◆ **Ladies:** Black Trousers/Skirt, White Shirt, Black Blazer, Black neck tie and Black formal shoes (or) White Salwar Kameez, Black Blazer, and Black Formal shoes.

11. Queries/Disputes:

- All queries relating to the Moot Problem may be clarified by sending an email to mcc.schooloflaw@gitam.edu on or before **27th July, 2022**.
- Any dispute about the Moot Court Competition shall be referred to the GMNMC Committee before the end of the competition. In all matters of complaints or disputes, the decision of the Committee shall be final.

12. Miscellaneous:

- All participants shall maintain the decorum in the Court during the competition are expected to conduct themselves in a manner befitting the legal profession.

- Scouting by any person and on behalf of any team should be brought to the notice of the committee immediately, without disturbing the round/ proceedings. Any team found scouting will be disqualified and the final decision shall lie with committee.
- If any team does not appear after **10 minutes** after the commencement of any round as per the scheduled time, the team which did not appear shall be deemed to have given a walkover and the opponent team shall be declared as winners of the round.
- The Committee reserves the right to take decisions on any matter not mentioned in the Competition Rules. Any such decision taken by the Committee shall be final and binding on all the team.
- Audio or videotaping of oral pleadings is **NOT PERMITTED**.

If a Team believes that violation of the Competition Rules has taken place at any stage of the Competition, the Team(s), within half an hour after the completion of the round in which violation has allegedly occurred, should register a complaint with the committee. Team(s) under no circumstances shall approach the Panel with any complaints.

13. Disciplinary Rules:

The participants have to ensure high speed 4G internet connection with good audio and video facilities. It is advisable to the participants to use laptops or PC for the oral rounds. The background of the participants on video shall be plain and shall not contain any symbols or any representations. There must not be any noises other than the voice of the participant. In case other noises are audible and the judges find it to be disturbing, judges may stop the pleadings and the participant may be disqualified. At the time when the other participant is speaking, you are expected to keep your mic on mute. In case a participant is found disturbing the other pleader in any way, he/she/they may be disqualified.

14. Contact:

For all further communications, the Organising committee can be contacted at mcc.schooloflaw@gitam.edu

BONAFIDE LETTER (Soft Copy)

NOTE: Furnishing of information required herein is mandatory. A bona fide certificate issued by an appropriate authority of the Institution/ College/ University must be sent along with Memorials.

Institution/College/University Information:

Address.....

..... Postalcode.....

City..... Country.....

Ph:..... Email:.....

Date: (Seal and Signature of Head of the Institution)

GITAM School of law

GITAM(Deemed to be University)

Visakhapatnam-530 045, Andhra Pradesh, India.



mcc.schooloflaw@gitam.edu



0891 - 2840511



www.vspgsl.gitam.edu



12th August, 2022 to 14th August, 2022
10:00 AM